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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,518	07/31/2001	Ernest E. Woodward	884.486US1	3616
21186	7590	11/17/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.			PYZOCHA, MICHAEL J	
P.O. BOX 2938			ART UNIT	
MINNEAPOLIS, MN 55402			PAPER NUMBER	
			2137	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/919,518	WOODWARD, ERNEST E.	
	Examiner	Art Unit	
	Michael Pyzocha	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 28-33 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/06/2006 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al (US 6385596), in view of Hardjono (US 6182214), in view of Johnston (US 6373946), in view of

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Arnold (US 6175924) and in view of Nakagawa (US 20020016775), further in view of Chang (US 6922735).

As per claim 28, Wiser et al discloses a method of controlling content usage in a communication device using a decryption key, the method comprises: providing the communication device a first key in response to a request for content; and verifying credit of a user of the personal communication device; providing the personal communication device a key when the credit is confirmed; for use in decrypting content (see column 4 lines 13-67).

Wiser et al fails to disclose the decryption key being broken into key-shares one of which is pre-stored on the device.

However Hardjono teaches the use of key-shares and pre-storing one on a device (see column 3 lines 33-42).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to distribute one of Hardjono's key-shares to each of the servers and users of Wiser et al to be delivered to the use upon request and confirmation of credit.

Motivation to do so would have been to set up a threshold cryptography system (see Hardjono column 3 lines 29-42).

The modified Wiser et al and Hardjono system fails to disclose the communications device is a RF wireless device.

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However, Johnston teaches such wireless devices (see abstract and Figure 3 and corresponding description).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the modified Wiser et al and Hardjono system's communications device to be a RF wireless device.

Motivation to do so would have been to communicate using satellite mobile telecommunications (see Johnston abstract).

The modified Wiser et al, Hardjono, and Johnston system fails to disclose the device having two processors and purging a key share when usage exceeds a measurement.

However, Arnold teaches a device with two processors and an authentication code (see figures 1 and 3); and Nakagawa teaches monitoring usage of content (see paragraphs 36-41).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the modified Wiser et al, Hardjono, and Johnston system to have two processors and monitor usage.

Motivation to do so would have been to protect secure memory (see Arnold column 2 lines 15-36) and to protect copyrights (see Nakagawa paragraph 11).

The modified Wiser et al, Hardjono, Johnston, Arnold and Nakagawa system fails to disclose the two or more processors are

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located on a single integrated circuit to prevent unauthorized interception of the content communicated between the processors.

However, Chang teaches the use of a single integrated circuit with two or more processors (see column 2 lines 44-62) and it is an inherent feature that when on a single integrated circuit the interception of communications is inhibited.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the multiple processor of the modified Wiser et al, Hardjono, Johnston, Arnold and Nakagawa system on a single integrated circuit.

Motivation to do so would have been to provide efficient communications (see Chang column 2 lines 3-10).

As per claim 29, the modified Wiser et al, Hardjono, Johnston, Arnold, Nakagawa, and Chang system discloses the security processor purges at least one of the key-share when the usage exceeds a service limit indicated by the measurement parameters (see Nakagawa paragraphs 36-41).

As per claims 30 and 33, the modified Wiser et al, Hardjono, Johnston, Arnold, Nakagawa, and Chang system discloses a key-share stored on a SIM and received from a finance server when a user's credit is verified (see Johnston column 9 lines 14-21 and Wiser column 4 lines 13-67).

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As per claim 31, the modified Wiser et al, Hardjono, Johnston, Arnold, Nakagawa, and Chang system discloses the measurement parameters comprise at least one of a date-limit, a run-time limit, and an iteration limit (see Nakagawa paragraphs 36-41).

As per claim 32, the modified Wiser et al, Hardjono, Johnston, Arnold, Nakagawa, and Chang system discloses an applications processor portion to process applications running on the wireless communication device, and wherein the security processor, communications processor and applications processor are fabricated on an application specific integrated circuit (ASIC) (see Arnold figure 1).

Response to Arguments

5. Applicant's arguments filed 09/06/2006 have been fully considered but they are not persuasive. Applicant argues the cited prior art fails to teach the newly added claims.

Applicant merely restates each new claim and provides a mere allegation of distinctness between the claim and the cited prior art. Therefore Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the

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objections made. Further, they do not show how the amendments avoid such references or objections. As put forth in the above rejections the cited prior art teaches each of the newly added claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER